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WASHINGTON DC 20036

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**JUL 09 2004**

**OFFICE OF PETITIONS**

In re Application of :  
Hellbusch, Propst, Balsavar, :  
Schaefer, and Wardhan : DECISION NOTING JOINDER OF  
Application No. 10/696,163 : INVENTOR AND PETITION  
Filed: 29 October, 2003 : UNDER 37 CFR 1.47(a) MOOT  
Atty Dkt No. 0307091.0169 :

Papers filed on 17 June, 2004 (certificate of mailing 15 June, 2004), in response to the decision dismissing petition mailed on 16 April, 2004, included a Declaration signed by the previously non-signing inventor, Harsh Wardhan, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

The Office notes that joint inventor Wardhan appears to have written "AKA Harsh Wardhan Gupta" beside his typewritten name, and appears to have signed the declaration as "Harsh Gupta." Petitioner is reminded that the declaration will issue with the names of the inventors as typewritten. It is further noted that in the original petition it was stated that petitioners stated that joint inventor Wardhan may have changed his last name to "Gupta" but had not provided a petition under 37 CFR 1.182. If petitioner wishes the patent to issue in the name of joint inventor Wardhan as he signed the declaration rather than as his name is typewritten, a petition under 37 CFR 1.182 to correct the inventor's name is required, accompanied by the requisite petition fee.

It is noted that petitioners filed a surcharge of \$130.00 for late filing of the declaration with the present petition. This surcharge was previously paid on 25 February, 2004, however. As such, the surcharge paid with the present petition will be credited to counsel's deposit account, No. 50-1721.

This application will be forwarded to Technology Center 2100 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at (703)308-6918.

A handwritten signature in cursive script, appearing to read "D Wood".

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

**UNITED STATES PATENT & TRADEMARK OFFICE**  
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**REQUEST FOR PATENT FEE REFUND**

1 Date of Request: 7/8/04 2 Serial/Patent # 10696163

3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
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9 50--1721

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